



PTO/SB/21 (04-07)  
Approved for use through 09/30/2007. OMB 0651-0031  
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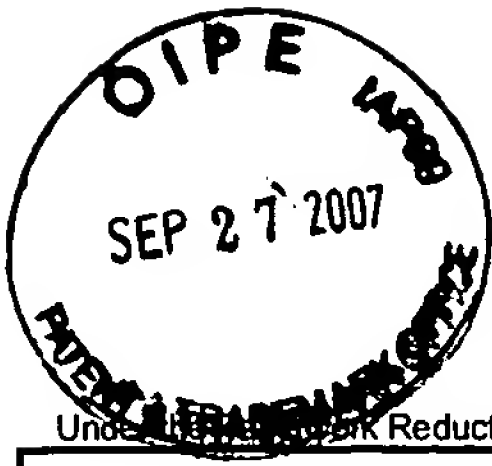
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/787,194
	Filing Date	March 15, 2001
	First Named Inventor	Hitoshi Endou
	Art Unit	N/A
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	55620(71526)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Statements Establishing Unintentional Delay and Exhibits A-D;
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	EDWARDS ANGELL PALMER & DODGE LLP		
Signature			
Printed name	Christine C. O'Day		
Date	September 27, 2007	Reg. No.	38,256

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PTO/SB/64 (04-07)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
55620(71526)

First named inventor: Hitoshi Endou

Application No: 09/787,194

Art Unit: N/A

Filed: March 15, 2001

Examiner: Not Yet Assigned

Title: CEREBRAL ORGANIC ANION TRANSPORTER AND ITS GENE

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
Completion of Filing Requirements and  
the form of \_\_\_\_\_ Sequence Listing (identify type of reply):

☒ has been filed previously on July 6, 2001 and October 23, 2001  
(copies are enclosed herewith)

☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_

☐ is enclosed herewith.

10/02/2007 TNGUYEN 02 00000018 041105 09787194

01 FC:1453

1500.00 DA

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## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. **STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

September 27, 2007

Date

Christine C. O'Day

Typed or printed name

38,256

Registration Number, if applicable

EDWARDS ANGELL PALMER & DODGE LLP  
P.O. Box 55874  
Boston, Massachusetts 02205

Address

(617) 517-5558

Telephone Number

Enclosures:



Fee Payment



Reply



Terminal Disclaimer Form



Additional sheets containing statements establishing unintentional delay



Other: \_\_\_\_\_

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Application No. (if known): 09/787,194

Attorney Docket No.: 55620(71526)

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EM054389408US in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on September 27, 2007  
Date

Signature

Lynn Marcus

Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 239-0100  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal (1 page)

Petition for Revival of an Application for Patent Abandoned Unintentionally  
(2 pages)

Additional Sheets Containing Statements Establishing Unintentional Delay  
(3 pages)

Exhibit A (25 pgs); Exhibit B (16 pgs); Exhibit C (17 pgs); Exhibit D (2 pgs)  
Charge \$1,500.00 to Deposit Account No. 04-1105

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Docket No.: 55620 (71526)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hitoshi Endou et al.

Application No.: 09/787,194

Confirmation No.:

Filed: March 15, 2001

Art Unit: N/A

For: CEREBRAL ORGANIC ANION  
TRANSPORTER AND ITS GENE

Examiner: Not Yet Assigned

**ADDITIONAL SHEETS CONTAINING STATEMENTS ESTABLISHING  
UNINTENTIONAL DELAY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**OFFICE OF PETITIONS**

Dear Sir:

This statement is submitted in support of the PETITION FOR REVIVAL  
OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37  
CFR 1.137(b) submitted concurrently herewith.

**BACKGROUND**

(1) At the outset, it is noted that a Notice of Abandonment has not yet been received by the undersigned firm. However, our case file indicates that no correspondence has been received from the USPTO in over 5 years. As shown in Exhibit A, two Status Inquiries (the first of which was filed concurrently with a Change of Correspondence Address) were filed by our firm; but no response was ever received from the USPTO in either instance. Multiple calls to the USPTO Help Desk have not been returned and following a call earlier today with the Office of Patent Legal Administration, the undersigned Attorney is now concerned that the application may stand abandoned. (The application was filed prior to PAIR so no information is available electronically.)

(2) By way of history, our firm received a Notification of Missing Requirements and a Notification to Comply with Sequence Requirements, both of which were mailed by the USPTO on April 30, 2001. A response to the Notification of Missing Requirements was filed with the USPTO on July 6, 2001 (See Exhibit B – copy of Completion of Filing Requirements – and the date stamped post-card evidencing the USPTO's receipt of same). As part of that submission, duly executed Declaration/Power of Attorney and Assignment documents were enclosed and all fees were paid. Additionally, a Sequence Listing was filed on October 23, 2001 (Exhibit C). Authorization was provided to charge any additional extension fees required to the undersigned firm's deposit account. Subsequent to that, an Information Disclosure Statement was filed on January 16, 2003, and a Supplemental Information Disclosure Statement was filed on February 28, 2003 (see Exhibit D for copies of the respective postcards).

(3) In view of the circumstances, the undersigned Attorney hereby submits the enclosed Petition to Revive, together with a copy of the previously filed Completion of Filing Requirements and Sequence Listing.

(4) If this application does stand abandoned, it is respectfully submitted that the entire delay in filing the required reply (copies of the previously filed Completion of Filing Requirements and Sequence Listing) as required by 37 CFR 1.137, until the filing of a grantable petition under 37 CFR 1.137(b), was **wholly unintentional**.

(5) In view of the foregoing, it is requested that the present application be reinstated and that the change of address submitted on August 24, 2005 (copy attached within Exhibit A) be properly reflected with the USPTO.

It is believed that no additional fees are required. The undersigned requests any extension of time necessary to respond. Please charge all fees, or credit any overpayments, to our deposit account No. 04-1105, under our attorney docket number 55620 (71526).

Dated: September 27, 2007

Respectfully submitted,

By *Christine C. O'Day*  
Christine C. O'Day

Registration No.: 38,256

EDWARDS ANGELL PALMER & DODGE LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 439-4444

Attorneys/Agents For Applicant

## EXHIBIT A



**Inventor:** Hitoshi Endou et al.

**Atty Docket No.:** 55620(71526)

**Application No.:** 09/787,194

**Filing Date:** March 15, 2001

**Title:** CEREBRAL ORGANIC ANION TRANSPORTER AND ITS GENE

**Documents Filed:**

Certificate of Mailing (1 page)

Transmittal Form (1 page)

Status Inquiry for application 09/787,194 (2 pages)

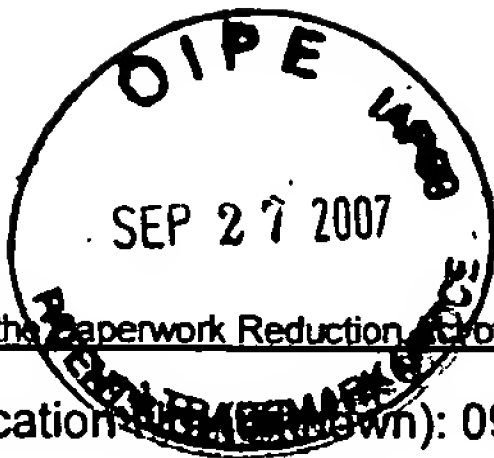
Copy of Completion of Filing Requirements submitted on 7/6/01 (16 pages)

Copy of Change of Address filed on 8/24/05 (5 pages)

**Via:** First Class Mail

**Sender's Initials:** CCO/lm

**Date:** September 4, 2007



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PTO/SB/97 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Application (Number): 09/787,194

Attorney Docket No.: 55620 (71526)

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that, on the date shown below, this correspondence and any paper referred to as being attached hereto are being deposited with the United States Postal Service with sufficient postage in an envelope as First Class Mail, addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

on September 4, 2007  
Date

Signature

Lynn Marcus

Typed or printed name of person signing Certificate

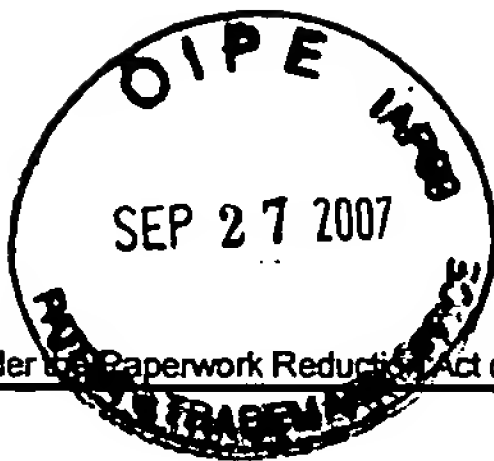
Registration Number, if applicable

(617) 439-4444

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Second Status Inquiry for application 09/787,194 (2 pages)  
Copy of Completion of Filing Requirements filed July 6, 2001 (16 pages)  
Copy of First Status Inquiry and Change of Address filed August 24, 2005 (5 pages)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (04-07)  
Approved for use through 09/30/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/787,194
	Filing Date	March 15, 2001
	First Named Inventor	Hitoshi Endou
	Art Unit	Not Yet Assigned
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	55620(71526)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
Remarks		<b>RECEIVED</b>  OCT 04 2007  <b>OFFICE OF PETITIONS</b>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	EDWARDS ANGELL PALMER & DODGE LLP		
Signature			
Printed name	Christine C. O'Day		
Date	September 4, 2007	Reg. No.	38,256

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 4, 2007

Signature: \_\_\_\_\_ (Lynn Marcus)



Docket No.: 55620 (71526)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hitoshi Endou et al.

Application No.: 09/787,194

Confirmation No.:

Filed: March 15, 2001

Art Unit: N/A

For: CEREBRAL ORGANIC ANION  
TRANSPORTER AND ITS GENE

Examiner: Not Yet Assigned

**SECOND STATUS INQUIRY**

Commissioner for Patents  
P.O. Box 1450  
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Dear Sir:

It is respectfully requested that the attorney named below be advised of the status of the above-identified application. In particular, please advise us of when we might expect to receive an Office Action from the Patent and Trademark Office.

The application was filed on March 15, 2001, and Completion of Filing Requirements was submitted on July 6, 2001 (copy enclosed). Subsequent to that, a First Status Inquiry was filed together with a Change of Address on August 24, 2005 (copy enclosed). Our file indicates that no reply to the Status Inquiry was ever received from the USPTO. The undersigned also notes that no information for the application is available via Public or Private PAIR.

Kindly contact the undersigned to confirm the status of the referenced application at the earliest opportunity. In the event that the application is not in good standing, the undersigned will submit a petition to reinstate the application without delay.

Dated: September 4, 2007

Respectfully submitted,

By 

Christine C. O'Day

Registration No.: 38,256

EDWARDS ANGELL PALMER & DODGE LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 439-4444

Attorneys/Agents For Applicant

Mailing Date: **July 6 , 2001**  
Client: **71526**  
Inventors: **H. ENdou, et al.**  
Serial No.: **09/787,194**  
Filing Date: **March 15, 2001**

Attorney/Sec: **PFC/1mm**  
Docket No.: **55620**  
Patent No.:  
Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:

**Completion of Filing Requirements; Copy of Notification  
of Missing Requirements; Declaration and Power of Attorney;  
Assignmmnet; Recordation Cover Sheet; Certificate of  
Express Mailing; Express Mail Label No. EL895418233US;  
Check of \$280.00; Postcard**

**JC17 Rec'd PCT/PTO 06 JUL 2001**

Due Date: **7/30/01**

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EDWARDS & ANGELL LLP  
OSRC, IP PRACTICE GROUP  
PO BOX 9169  
BOSTON MA 02209-9169  
PEC/1mm 71526/55620

**TO: (PLEASE PRINT)** PHONE ( ) \_\_\_\_\_

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COMMISSIONER FOR PATENTS  
US PATENT & TRADEMARK OFFICE  
WASHINGTON DC 20231-0001  
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FOR PICKUP OR TRACKING CALL 1-800-222-1811 [www.usps.com](http://www.usps.com)



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19

Practitioner's Docket No. 55620 (71526)

**IN THE UNITED STATES DESIGNATED OFFICE (DO/US)**

PCT/IP99/05120 September 20, 1999 September 19, 1998  
INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED

CEREBRAL ORGANIC ANION TRANSPORTER AND ITS GENE  
TITLE OF INVENTION

H. ENDOU, et al.  
APPLICANT(S) FOR DO/US

Box PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231  
ATTENTION: DO/US

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**OFFICE OF PETITIONS**

**COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING NATIONAL  
STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 U.S.C. 371**

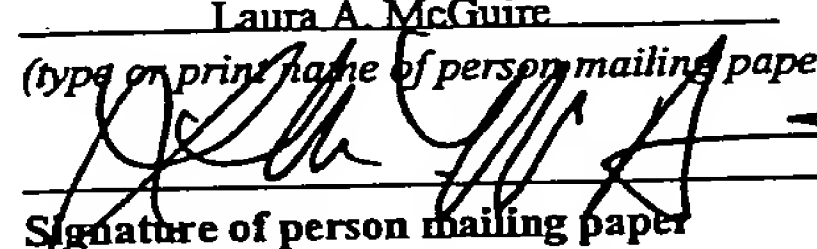
*(check and complete the following item, if applicable)*

- ☒ This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. 1.494 (FORM PCT/DO/EO/905).  
☒ A copy of FORM PCT/DO/EO/905 accompanies this response.

**WARNING:** *Filing requirements, including translation of the international application, the declaration, the national fee and the payment of all the surcharge(s) in connection with the filing of these items after twenty (20) months from the priority may be met within twenty-two (22) months from the priority date. Failure to comply with these requirements will result in abandonment. The provisions of 37 CFR 1.136 for extensions of time do not apply to the 22 month period. 37 CFR 1.61(b).*

**CERTIFICATION UNDER 37 C.F.R. 1.10\***  
*(Express Mail label number is mandatory.)*  
*(Express Mail certification is optional.)*

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date July 6, 2001, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL895418233 US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Laura A. McGuire  
*(type or print name of person mailing paper)*  
  
Signature of person mailing paper

**WARNING:** *Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.*  
**\*WARNING:** *Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US)  
under 35 USC 371—page 1 of 6)



**NOTE:** The completion of the filing requirements within 22 months (instead of 20 months) from the priority date results from the Commissioner exercising his judgment under the authority granted under 35 USC 371(d). The filing receipt will show the actual date of receipt of the last item completing the entry into the national phase. See 37 CFR 1.491 which states: "An international application enters the national stage when the applicant has filed the documents and fees required by 35 USC 371(c) within the periods set forth in § 1.494 and § 1.495."

**WARNING:** Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 20 months from the priority date, the application is still considered to be in the international stage. If mailing procedures are utilized to obtain a date, the express mail procedure of 37 CFR 1.10 must be used (because international application papers are not covered by an ordinary certificate of mailing. 37 CFR 1.8(2)(xi).

**NOTE:** Documents and fees must be clearly identified as a submission to enter the national stage under 35 USC 371. Otherwise, the submission will be considered as being made under 35 USC 111. 37 CFR 1.494(f).

### DECLARATION OR OATH

- I. ☒ No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

**NOTE:** For surcharge fee for filing declaration after filing date, complete item IV(2).

**NOTE:** Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the specification to which it applies are the name of the inventor and (1) serial number, (2) attorney docket number that was on the application as filed and the filing date, (3) title of the invention and filing date, (4) title of invention and reference to a specification that is attached to the declaration at the time of execution and filed with the declaration, or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration. If identification (4) is used, it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date. Such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).

**NOTE:** Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 CFR 1.10(c).

**NOTE:** 37 CFR 1.41(a) points out that "Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial."

(complete (a) or (b), if applicable)

Attached is a

- (a) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (b) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

### AMENDMENT

II. (complete as applicable)

- ☐ An amendment in accordance with 37 C.F.R. § 1.121 is attached.
- ☐ The attached amendment cancels claims \_\_\_\_\_ inclusively.

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# TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

- III. ☐ Submitted herewith, is a English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 CFR 1.494(b)(2)).

NOTE: For fee for processing a non-English application, complete item IV(4).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

NOTE: Unlike the filing of an ordinary non-English application (37 CFR 1.52(d) the translation of an international application entering the U.S. national phase need not be verified. 37 CFR 1.494(e). If necessary, however, a verified translation may be required. 37 CFR 1.494(e). Moreover, if the English translation is filed within 20 months from the priority date, no processing fee is required.

- ☐ Submitted herewith, are two (2) copies of Form PCT/IB/306, Notification of the Recording of a Change.

## FEES

### IV.

NOTE: See 37 CFR 1.28(a).

#### 1. Fees for claims

- ☐ Each independent claim in excess of 3  
(37 CFR 1.492(b) \$78.00; Small entity—\$39.00) \$ \_\_\_\_\_
- ☐ Each claim in excess of 20  
(37 CFR 1.492(c) - \$18.00; small entity—\$9.00) \$ \_\_\_\_\_
- ☐ Multiple dependent claim(s)  
(37 CFR 1.492(d) - \$260.00;  
small entity—\$130.00) \$ \_\_\_\_\_

#### 2. Surcharge fees

- ☒ Surcharge set forth in § 1.492(e), for accepting the declaration later than 20 months after the priority date in filing an application in the U.S. as a designated office— \$130.00;  
small entity—\$65.00 \$ 130.00

NOTE: The processing fee in the next item (Number 3) below is not subject to a reduction for small entity status.

#### 3.

- ☐ Processing fee set forth in § 1.492(f), for acceptance of an English translation later than 20 months after the priority date—\$130.00 \$ \_\_\_\_\_

#### 7.

- ☒ Assignment (See "ASSIGNMENT COVER SHEET".) \$ 40.00

Total fees \$ 170.00

SMALL ENTITY STATUS

RECEIVED

OCT 04 2007

OFFICE OF PETITIONS

V. A statement that this filing is by a small entity

NOTE: See 37 CFR 1.28(a).

(check and complete applicable items)

- a. ☐ is attached.  
was filed on \_\_\_\_\_ (original).  
b. ☐ A separate refund request accompanies this paper.

EXTENSION OF TIME

(complete (a) or (b), as applicable)

VI.

The proceedings herein are for a patent application. The provisions of 37 C.F.R. § 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked out below:

Extension (months)	Fee for over than small entity _____	Fee for small entity
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$190.00
<input type="checkbox"/> three months	\$ 890.00	\$435.00
<input type="checkbox"/> four months	\$1,390.00	\$680.00
		Fee \$ <u>110.00</u>

If an additional extension of time is required, please consider this a petition therefore.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefore of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE DUE

**VII.** The total fee due is:

Completion fee(s)	\$ <u>170.00</u>
Extension fee (if any)	\$ <u>110.00</u>
<b>TOTAL FEE DUE</b>	<b>\$ <u>280.00</u></b>

### PAYMENT OF FEES

**VIII.**

- ☒ Enclosed is a check in the amount of \$ 280.00.
- ☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.
- A duplicate of this request is attached.

*NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).*

### AUTHORIZATION TO CHARGE ADDITIONAL FEES

**IX.**

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges.

*NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 CFR 1.136(a)(3).*

*NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 CFR 1.26(a).*

- ☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper, and during the entire pendency of this application, to Account No. 04-1105
- ☒ 37 C.F.R. 1.492(a)(2), 1.492(a)(3), or 1.492(a)(5) (filing fees)
- ☒ 37 C.F.R. 1.492(b) (presentation of extra claims)

*NOTE: Because additional fees for excess or multiple dependent claims not paid on filing, or on later presentation, must only be paid, or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.*

- ☒ 37 C.F.R. 1.17 (application processing fees)
- ☒ 37 C.F.R. 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a).

**WARNING:** While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail unless a "quest or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

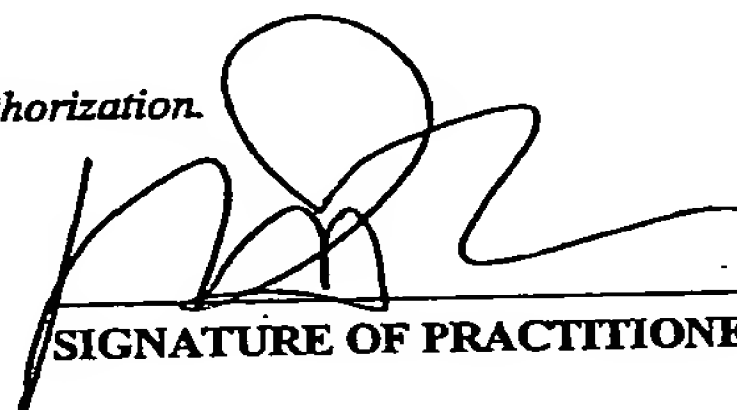
- ☐ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311 (b)).

**NOTE:** *Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).*

**NOTE:** *37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity*

☒ 37 C.F.R. 1.492(e) and (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 20 months from the earliest claimed priority date)

**WARNING:** *It is suggested that you always check this last authorization.*

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

Reg. No. 33,860

Peter F. Corless  
(type or print name of practitioner)

Tel. No.: (617) 517-5557

Edwards & Angell, LLP  
P.O. Box 9169  
P.O. Address

Boston, MA 02209

PC7/JP99/C512c

OCT 04 2007

PD905673

Docket No. 55620

Page 1 of 1

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## CEREBRAL ORGANIC ANION TRANSPORTER AND ITS GENE

the specification of which

(check one)

- ☒ corresponds to and claims priority of Japanese Patent Application No. 10-265126/1998 and PCT/JP99/05120, filed September 20, 1999.
- ☐ was filed on \_\_\_\_\_ as United States Application No. or PCT Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

### Prior Foreign Application(s)

Priority Not Claimed

<u>10-265126/1998</u> (Number)	<u>Japan</u> (Country)	<u>18 September 1998</u> (Day/Month/Year Filed)	[ ]
-----------------------------------	---------------------------	--	-----

\_\_\_\_\_  
(Number)                      (Country)                      (Day/Month/Year Filed)                      [ ]

\_\_\_\_\_  
(Number)                      (Country)                      (Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U.S.C. Section 120 of the United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark office all information known to me to be material to patentability as defined in Title 37, C.F.C., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

_____	_____	_____
PCT/JP99/05120	September 20, 1999	Pending
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

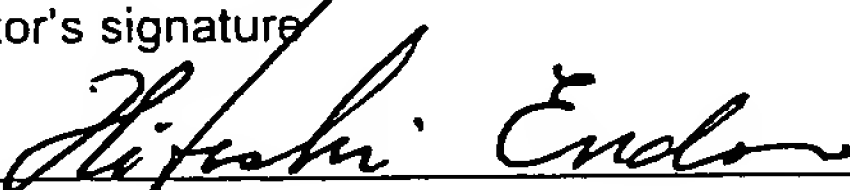
David G. Conlin	Reg. No. 27,026	Christine C. O'Day	Reg. No. 38,256
George W. Neuner	Reg. No. 26,964	Robert L. Buchanan	Reg. No. 40,927
Linda M. Buckley	Reg. No. 31,003	David E. Tucker	Reg. No. 27,840
Peter J. Manus	Reg. No. 26,766	Lisa Swiszczy Hazzard	Reg. No. 44,368
Peter F. Corless	Reg. No. 33,860	George W. Hartnell	Reg. No. 42,639
Cara Z. Lowen	Reg. No. 38,227	Kathleen Carr	Reg. No. 41,658
William J. Daley, Jr.	Reg. No. 35,487	Stewart L. Gitler	Reg. No. 31,256
Steven M. Jensen	Reg. No. 42,693	Kathryn A. Piffat	Reg. No. 34,901

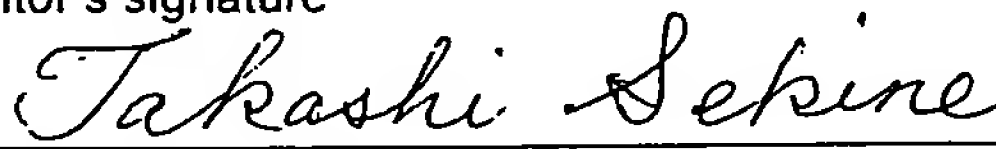
Send Correspondence to:

Peter F. Corless  
EDWARDS & ANGELL, LLP  
Dike, Bronstein, Roberts & Cushman, IP Group  
130 Water Street  
Boston, Massachusetts 02109  
USA

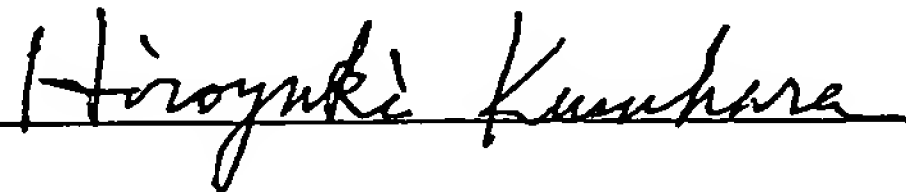
Direct Telephone Calls to:  
*(name and telephone number)*

Peter F. Corless  
Telephone: (617) 523-3400  
Facsimile: (617) 523-6440

Full name of sole or first inventor	
Hitoshi ENDOU	
Sole or first inventor's signature 	Date: May 31, 2001
Residence	
1-23-7, Yoshinodai, Sagamihara-shi, Kanagawa-ken 229-0022 JAPAN	
Citizenship	
Japan	
Post Office Address	
Same As Above	

Full name of second inventor	
Takashi SEKINE	
Second inventor's signature 	Date: May 31, 2001
Residence	
1-10-47, Sakae-cho, Tachikawa-shi, Tokyo 190-0003 JAPAN	
Citizenship	
Japan	
Post Office Address	
Same As Above	



Full name of third inventor	
Hiroyuki KUSUHARA	
Third inventor's signature	Date:
	May 31, 2001
Residence	
5-49-17-102, Sendagi, Bunkyo-ku, Tokyo 113-0022 JAPAN	
Citizenship	
Japan	
Post Office Address	
Same As Above	

# PATENTS ONLY

Tab settings → → → ▼ ▼ ▼ ▼ ▼ ▼ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

**Hitoshi ENDOU**  
**Takashi SEKINE**  
**Hiroyuki KUSUHARA**

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: Japan Science and Technology Corporation

Address: 1-8, Honcho 4-chome, Kawaguchi-shi

City: Saitama 332-0012

State/Prov.: \_\_\_\_\_

Country: JAPAN

ZIP: \_\_\_\_\_

Additional name(s) & address(es)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other \_\_\_\_\_

Execution Date: May 31, 2001

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

Patent Application No.

Filing date

B. Patent No.(s)

09/787,194

March 15, 2001

Additional numbers

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Peter F. Corless

Registration No. 33,860

Address: EDWARDS & ANGELL, LLP

P.O. Box 9169

City: Boston

State/Prov.: MA

Country: USA

ZIP: 02209

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☐ Authorized to be charged to deposit account

8. Deposit account number:

04-1105

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Peter F. Corless (Reg. No. 33,860)

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and

3

ASSIGNMENT

WHEREAS, I, Hitoshi ENDOU of Kanagawa-ken, Japan, I, Takashi SEKINE of Tokyo, Japan and I, Hiroyuki KUSUHARA of Tokyo, Japan, (hereinafter referred to as "Assignors"), have invented certain new and useful improvements in "CEREBRAL ORGANIC ANION TRANSPORTER AND ITS GENE", for which an application for United States Letters Patent with the same title shall be filed herewith receiving Serial No. 09/787,194, and a filing date of 3/15/01, and claims priority of Japanese Patent Application No. 10-265126/1998, filed September 18, 1998 and PCT/JP99/05120, filed September 20, 1999.

WHEREAS, Japan Science and Technology Corporation, located at 1-8, Honcho 4-chome, Kawaguchi-shi, Saitama 332-0012 JAPAN, (hereinafter referred to as the "Assignee"), is desirous of acquiring the entire right, title and interest in and to the same invention, and in and to the said application, and any Letters Patent that may issue thereon;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for the above consideration, the Assignors have assigned and transferred, and do hereby assign and transfer to the Assignee, its successors and assigns, their entire right, title and interest for the United States in and to the said invention and in and to the said application and all patents which may be granted therefor, and all divisions, reissues, substitutions, continuations, in whole or in part, re-examinations, and extensions thereof, and all applications claiming priority therefrom; and the Assignors hereby authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as their interest is concerned, to the Assignee; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for which any and all of said Letters Patent for said invention may issue, to the same extent as the Assignors would hold and enjoy if this Assignment had not been made.

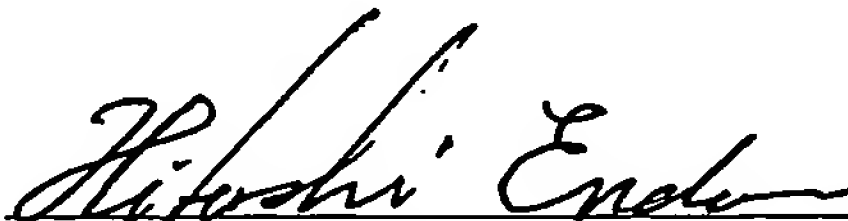
The Assignors also have assigned and transferred, and do hereby assign and transfer to the Assignee, its successors and assigns, their entire right, title and interest in and to the invention disclosed in said application, in all countries of the world foreign to the United States, including the right to file applications and obtain patents for said invention in its own name in said countries and including all rights of priority in said countries under the terms of any applicable international convention; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for which any and all of said Letters Patent for said invention may issue, to the same extent as the Assignors would hold and enjoy if this Assignment had not been made.

The Assignors further agree to execute any and all patent applications, assignments, affidavits, and any other papers in connection therewith necessary to perfect such patent rights, and also agree, at the request of the Assignee, to testify in any legal proceedings, sign all lawful papers, make all lawful oaths, and generally do everything possible to aid said Assignee, its successors and assigns, to obtain, maintain and enforce patent protection for said invention in all countries.

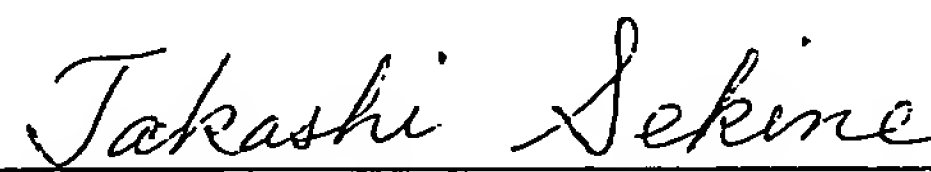
The Assignors also hereby grant the law firm of EDWARDS & ANGELL, LLP, Dike, Bronstein, Roberts & Cushman, IP Group, the power to insert on this Assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, the Assignors have caused this Assignment to be executed.

Dated this 31<sup>th</sup> day of May, 2001.

  
Hitoshi ENDOU

Dated this 31<sup>th</sup> day of May, 2001.

  
Takashi SEKINE

Dated this 31<sup>th</sup> day of May, 2001.

  
Hiroyuki KUSUHARA

# TRANSACTION REPORT

P. 01

AUG-24-2005 WED 03:43 PM

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## FAX TRANSMISSION

DATE: August 24, 2005

PTO IDENTIFIER: Application Number 09/787,194  
Patent Number

Inventor: Hitoshi Endou et al.

MESSAGE TO: U.S. Patent & Trademark Office

FAX NUMBER: (571) 273-8300

FROM: EDWARDS & ANGELL, LLP  
Steven M. Jensen

PHONE: (617) 439-4444

Attorney Dkt. #: 55620 (71526)

PAGES (Including Cover Sheet): 4

CONTENTS: Change of Address of Attorney (1 page)  
Status Inquiry for application 09/787,194 (1 page)  
Certificate of Transmission (1 page)

# FAX TRANSMISSION

**DATE:** August 24, 2005

**PTO IDENTIFIER:** Application Number 09/787,194  
Patent Number

**Inventor:** Hitoshi Endou et al.

**MESSAGE TO:** U.S. Patent & Trademark Office

**FAX NUMBER:** (571) 273-8300

**FROM:** EDWARDS & ANGELL, LLP

Steven M. Jensen

**PHONE:** (617) 439-4444

**Attorney Dkt. #:** 55620 (71526)

**PAGES (Including Cover Sheet):** 4

<b>CONTENTS:</b>	Change of Address of Attorney (1 page) Status Inquiry for application 09/787,194 (1 page) Certificate of Transmission (1 page)
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**EDWARDS & ANGELL, LLP**  
P.O. Box 55874, Boston, Massachusetts 02205  
Telephone: (617) 439-4444 Facsimile: (617) 439-4170

Application No. (if known): 09/787,194

Attorney Docket No.: 55620 (71526)

## Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on August 24, 2005  
Date

  
Signature

Michelle Chicos

Typed or printed name of person signing Certificate

Registration Number, if applicable

(617) 439-4444

Telephone Number

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Change of Address of Attorney (1 page)

Status Inquiry for application 09/787,194 (1 page)

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: August 24, 2005

Signature:

  
(Michelle Chicos)

Docket No.: 55620 (71526)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hitoshi Endou et al.

Application No.: 09/787,194

Confirmation No.:

Filed: March 15, 2001

Art Unit: N/A

For: CEREBRAL ORGANIC ANION  
TRANSPORTER AND ITS GENE

Examiner: Not Yet Assigned

**STATUS INQUIRY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

It is respectfully requested that the attorney named below be advised of the status of the above-identified application. Please advise us of when we might expect to receive an Office Action from the Patent and Trademark Office.

Dated: August 24, 2005

Respectfully submitted,

By 

Steven M. Jensen

Registration No.: 42,693  
EDWARDS & ANGELL, LLP  
P.O. Box 55874  
Boston, Massachusetts 02205  
(617) 439-4444  
Attorneys/Agents For Applicant



I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: August 24, 2005

Signature:

  
(Michelle Chicos)

Docket No.: 55620 (71526)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hitoshi Endou et al.

Application No.: 09/787,194

Confirmation No.:

Filed: March 15, 2001

Art Unit: N/A

For: CEREBRAL ORGANIC ANION  
TRANSPORTER AND ITS GENE

Examiner: Not Yet Assigned

**CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests that all further communications from the Patent and Trademark Office in connection with the subject application be sent to the following address:

**Edwards & Angell, LLP  
Intellectual Property Practice Group  
P.O. Box 55874  
Boston, MA 02205  
Tel.: (617) 439-4444  
Facsimile: (617) 439-4170**

Please direct all further communications to the above-identified Customer Number.

Dated: August 24, 2005

Respectfully submitted,

By

  
Steven M. Jensen

Registration No.: 42,693

Edwards & Angell, LLP

P.O. Box 55874

Boston, MA 02205

(617) 439-4444

Attorneys/Agents For Applicant

## EXHIBIT B

Mailing Date: **July 6 , 2001**  
71526  
Client: **H. ENDou, et al.**  
Inventors: **09/787,194**  
Serial No.: **March 15, 2001**  
Filing Date:

Attorney/Sec: **PFC/lmm**  
Docket No.: **55620**  
Patent No.:  
Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:

**Completion of Filing Requirements; Copy of Notification  
of Missing Requirements; Declaration and Power of Attorney;  
Assignmmnet; Recordation Cover Sheet; Certificate of  
Express Mailing; Express Mail Label No. EL895418233US;  
Check of \$280.00; Postcard**

**JC17 Rec'd PCT/PTO 06 JUL 2001**

Due Date: **7/30/01**



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MA 02209-9169  
71526/55620

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Practitioner's Docket No. 55620 (71526)

**IN THE UNITED STATES DESIGNATED OFFICE (DO/US)**

PCT/IP99/05120 September 20, 1999 September 19, 1998  
INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED

CEREBRAL ORGANIC ANION TRANSPORTER AND ITS GENE  
TITLE OF INVENTION

H. ENDOU, et al.  
APPLICANT(S) FOR DO/US

**Box PCT**  
**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**  
**ATTENTION: DO/US**

**COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING NATIONAL  
STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 U.S.C. 371**

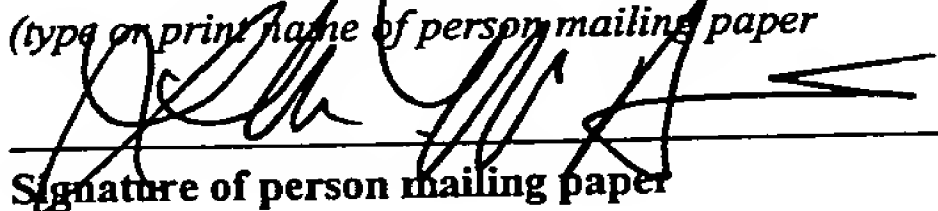
*(check and complete the following item, if applicable)*

- ☒ This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. 1.494 (FORM PCT/DO/EO/905).  
☒ A copy of FORM PCT/DO/EO/905 accompanies this response.

**WARNING:** *Filing requirements, including translation of the international application, the declaration, the national fee and the payment of all the surcharge(s) in connection with the filing of these items after twenty (20) months from the priority may be met within twenty-two (22) months from the priority date. Failure to comply with these requirements will result in abandonment. The provisions of 37 CFR 1.136 for extensions of time do not apply to the 22 month period. 37 CFR 1.61(b).*

**CERTIFICATION UNDER 37 C.F.R. 1.10\***  
*(Express Mail label number is mandatory.)*  
*(Express Mail certification is optional.)*

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date July 6, 2001, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL895418233 US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Laura A. McGuire  
*(type or print name of person mailing paper)*  
  
Signature of person mailing paper

**WARNING:** *Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.*  
**\*WARNING:** *Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

**NOTE:** The completion of the filing requirements within 22 months (instead of 20 months) from the priority date results from the Commissioner exercising his judgment under the authority granted under 35 USC 371(d). The filing receipt will show the actual date of receipt of the last item completing the entry into the national phase. See 37 CFR 1.491 which states: "An international application enters the national stage when the applicant has filed the documents and fees required by 35 USC 371(c) within the periods set forth in § 1.494 and § 1.495."

**WARNING:** Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 20 months from the priority date, the application is still considered to be in the international stage. If mailing procedures are utilized to obtain a date, the express mail procedure of 37 CFR 1.10 must be used (because international application papers are not covered by an ordinary certificate of mailing. 37 CFR 1.8(2)(xi).

**NOTE:** Documents and fees must be clearly identified as a submission to enter the national stage under 35 USC 371. Otherwise, the submission will be considered as being made under 35 USC 111. 37 CFR 1.494(f).

### DECLARATION OR OATH

- I. ☒ No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

**NOTE:** For surcharge fee for filing declaration after filing date, complete item IV(2).

**NOTE:** Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the specification to which it applies are the name of the inventor and (1) serial number, (2) attorney docket number that was on the application as filed and the filing date, (3) title of the invention and filing date, (4) title of invention and reference to a specification that is attached to the declaration at the time of execution and filed with the declaration, or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration. If identification (4) is used, it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date. Such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).

**NOTE:** Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 CFR 1.10(c).

**NOTE:** 37 CFR 1.41(a) points out that "Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial."

(complete (a) or (b), if applicable)

Attached is a

- (a) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (b) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

### AMENDMENT

II. (complete as applicable)

- ☐ An amendment in accordance with 37 C.F.R. § 1.121 is attached.
- ☐ The attached amendment cancels claims \_\_\_\_\_ inclusively.

**TRANSMITTAL OF ENGLISH TRANSLATION  
OF NON-ENGLISH LANGUAGE PAPERS**

- III. ☐ Submitted herewith, is a English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 CFR 1.494(b)(2)).

NOTE: For fee for processing a non-English application, complete item IV(4).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

NOTE: Unlike the filing of an ordinary non-English application (37 CFR 1.52(d) the translation of an international application entering the U.S. national phase need not be verified. 37 CFR 1.494(e). If necessary, however, a verified translation may be required. 37 CFR 1.494(e). Moreover, if the English translation is filed within 20 months from the priority date, no processing fee is required.

- ☐ Submitted herewith, are two (2) copies of Form PCT/IB/306, Notification of the Recording of a Change.

**FEEES**

**IV.**

NOTE: See 37 CFR 1.28(a).

1. Fees for claims

- ☐ Each independent claim in excess of 3  
(37 CFR 1.492(b) \$78.00; Small entity—\$39.00) \$ \_\_\_\_\_
- ☐ Each claim in excess of 20  
(37 CFR 1.492(c) - \$18.00; small entity—\$9.00) \$ \_\_\_\_\_
- ☐ Multiple dependent claim(s)  
(37 CFR 1.492(d) - \$260.00;  
small entity—\$130.00) \$ \_\_\_\_\_

2. Surcharge fees

- ☒ Surcharge set forth in § 1.492(e), for accepting the declaration later than 20 months after the priority date in filing an application in the U.S. as a designated office— \$130.00;  
small entity—\$65.00 \$ 130.00

NOTE: The processing fee in the next item (Number 3) below is not subject to a reduction for small entity status.

3.

- ☐ Processing fee set forth in § 1.492(f), for acceptance of an English translation later than 20 months after the priority date—\$130.00 \$ \_\_\_\_\_

7. ☒ Assignment (See "ASSIGNMENT COVER SHEET".) \$ 40.00

Total fees \$ 170.00



## SMALL ENTITY STATUS

### V. A statement that this filing is by a small entity

NOTE: See 37 CFR 1.28(a).

(check and complete applicable items)

- a. ☐ is attached.  
was filed on \_\_\_\_\_ (original).
- b. ☐ A separate refund request accompanies this paper.

## EXTENSION OF TIME

(complete (a) or (b), as applicable)

### VI.

The proceedings herein are for a patent application. The provisions of 37 C.F.R. § 1.1 36(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked out below:

Extension (months)	Fee for over than small entity _____	Fee for small entity
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$190.00
<input type="checkbox"/> three months	\$ 890.00	\$435.00
<input type="checkbox"/> four months	\$1,390.00	\$680.00
		Fee \$ <u>110.00</u>

If an additional extension of time is required, please consider this a petition therefore.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefore of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE DUE

**VII.** The total fee due is:

Completion fee(s)	\$ <u>170.00</u>
Extension fee (if any)	\$ <u>110.00</u>
<b>TOTAL FEE DUE</b>	<b>\$ <u>280.00</u></b>

### PAYMENT OF FEES

**VIII.**

- ☒ Enclosed is a check in the amount of \$ 280.00.
- ☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.
- A duplicate of this request is attached.

*NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).*

### AUTHORIZATION TO CHARGE ADDITIONAL FEES

**IX.**

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges.

*NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 CFR 1.136(a)(3).*

*NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 CFR 1.26(a).*

- ☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper, and during the entire pendency of this application, to Account No. 04-1105
- ☒ 37 C.F.R. 1.492(a)(2), 1.492(a)(3), or 1.492(a)(5) (filing fees)
- ☒ 37 C.F.R. 1.492(b) (presentation of extra claims)

*NOTE: Because additional fees for excess or multiple dependent claims not paid on filing, or on later presentation, must only be paid, or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.*

- ☒ 37 C.F.R. 1.17 (application processing fees)
- ☒ 37 C.F.R. 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a).

**WARNING:** *While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail unless a "quest or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).*

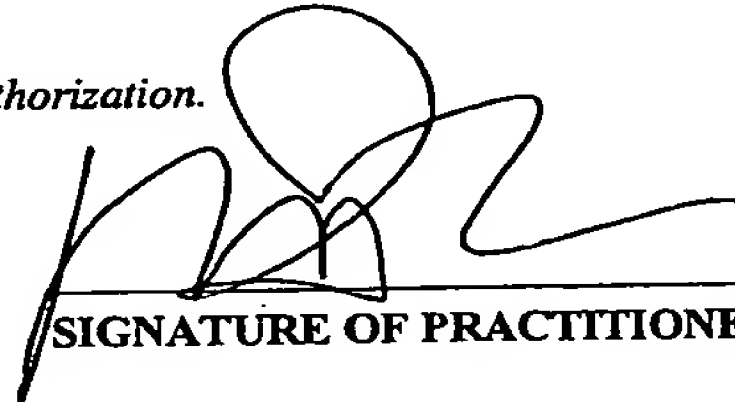
- ☐ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311 (b)).

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

**NOTE:** 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity

☒ 37 C.F.R. 1.492(e) and (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 20 months from the earliest claimed priority date)

**WARNING:** It is suggested that you always check this last authorization.

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

Reg. No. 33,860

Peter F. Corless  
(type or print name of practitioner)

Tel. No.: (617) 517-5557

Edwards & Angell, LLP  
P.O. Box 9169  
P.O. Address

Boston, MA 02209

## Declaration and Power of Attorney for Patent Application English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### CEREBRAL ORGANIC ANION TRANSPORTER AND ITS GENE

the specification of which

(check one)

- ☒ corresponds to and claims priority of Japanese Patent Application No. 10-265126/1998 and PCT/JP99/05120, filed September 20, 1999.
- ☐ was filed on \_\_\_\_\_ as United States Application No. or PCT Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)			<u>Priority Not Claimed</u>
<u>10-265126/1998</u> (Number)	<u>Japan</u> (Country)	<u>18 September 1998</u> (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U.S.C. Section 120 of the United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark office all information known to me to be material to patentability as defined in Title 37, C.F.C., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

PCT/JP99/05120	September 20, 1999	Pending
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

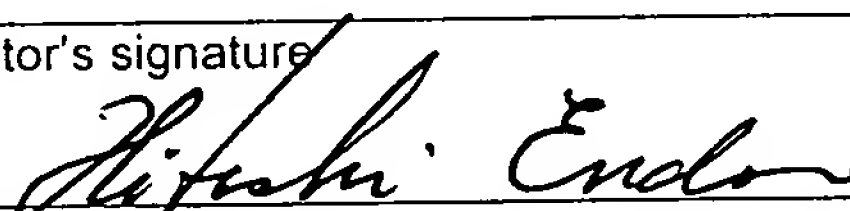
David G. Conlin	Reg. No. 27,026	Christine C. O'Day	Reg. No. 38,256
George W. Neuner	Reg. No. 26,964	Robert L. Buchanan	Reg. No. 40,927
Linda M. Buckley	Reg. No. 31,003	David E. Tucker	Reg. No. 27,840
Peter J. Manus	Reg. No. 26,766	Lisa Swiszc Hazzard	Reg. No. 44,368
Peter F. Corless	Reg. No. 33,860	George W. Hartnell	Reg. No. 42,639
Cara Z. Lowen	Reg. No. 38,227	Kathleen Carr	Reg. No. 41,658
William J. Daley, Jr.	Reg. No. 35,487	Stewart L. Gitler	Reg. No. 31,256
Steven M. Jensen	Reg. No. 42,693	Kathryn A. Piffat	Reg. No. 34,901


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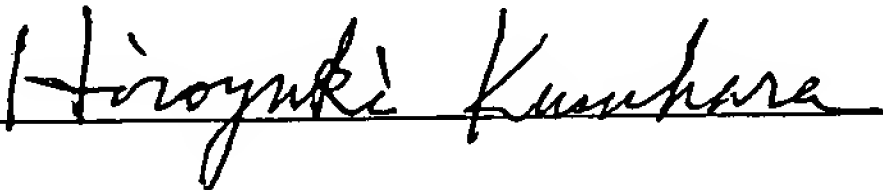
Peter F. Corless  
EDWARDS & ANGELL, LLP  
Dike, Bronstein, Roberts & Cushman, IP Group  
130 Water Street  
Boston, Massachusetts 02109  
USA

Direct Telephone Calls to:  
*(name and telephone number)*

Peter F. Corless  
Telephone: (617) 523-3400  
Facsimile: (617) 523-6440

Full name of sole or first inventor	
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Sole or first inventor's signature 	Date: May 31, 2001
Residence	
1-23-7, Yoshinodai, Sagamihara-shi, Kanagawa-ken 229-0022 JAPAN	
Citizenship	
Japan	
Post Office Address	
Same As Above	

Full name of second inventor	
Takashi SEKINE	
Second inventor's signature 	Date: May 31, 2001
Residence	
1-10-47, Sakae-cho, Tachikawa-shi, Tokyo 190-0003 JAPAN	
Citizenship	
Japan	
Post Office Address	
Same As Above	

Full name of third inventor	
Hiroyuki KUSUHARA	
Third inventor's signature	Date:
	May 31, 2001
Residence	
5-49-17-102, Sendagi, Bunkyo-ku, Tokyo 113-0022 JAPAN	
Citizenship	
Japan	
Post Office Address	
Same As Above	

**PATENTS ONLY**

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

**Hitoshi ENDOU**  
**Takashi SEKINE**  
**Hiroyuki KUSUHARA**

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: **Japan Science and Technology Corporation**

Address: **1-8, Honcho 4-chome, Kawaguchi-shi**

City: **Saitama 332-0012**

State/Prov.: \_\_\_\_\_

Country: **JAPAN**

ZIP: \_\_\_\_\_

Additional name(s) & address(es)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other \_\_\_\_\_

Execution Date: **May 31, 2001**

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

Patent Application No.

Filing date

B. Patent No.(s)

**09/787,194**

**March 15, 2001**

Additional numbers

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Peter F. Corless**

Registration No. **33,860**

Address: **EDWARDS & ANGELL, LLP**

**P.O. Box 9169**

City: **Boston**

State/Prov.: **MA**

Country: **USA**

ZIP: **02209**

6. Total number of applications and patents involved:

**1**

7. Total fee (37 CFR 3.41):.....\$ **40.00**

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☐ Authorized to be charged to deposit account

8. Deposit account number:

**04-1105**

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

**Peter F. Corless (Reg. No. 33,860)**

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and

**3**



**ASSIGNMENT**

WHEREAS, I, Hitoshi ENDOU of Kanagawa-ken, Japan, I, Takashi SEKINE of Tokyo, Japan and I, Hiroyuki KUSUHARA of Tokyo, Japan, (hereinafter referred to as "Assignors"), have invented certain new and useful improvements in "CEREBRAL ORGANIC ANION TRANSPORTER AND ITS GENE", for which an application for United States Letters Patent with the same title shall be filed herewith receiving Serial No. 09/787,194, and a filing date of 3/15/01, and claims priority of Japanese Patent Application No. 10-265126/1998, filed September 18, 1998 and PCT/JP99/05120, filed September 20, 1999.

WHEREAS, Japan Science and Technology Corporation, located at 1-8, Honcho 4-chome, Kawaguchi-shi, Saitama 332-0012 JAPAN, (hereinafter referred to as the "Assignee"), is desirous of acquiring the entire right, title and interest in and to the same invention, and in and to the said application, and any Letters Patent that may issue thereon;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for the above consideration, the Assignors have assigned and transferred, and do hereby assign and transfer to the Assignee, its successors and assigns, their entire right, title and interest for the United States in and to the said invention and in and to the said application and all patents which may be granted therefor, and all divisions, reissues, substitutions, continuations, in whole or in part, re-examinations, and extensions thereof, and all applications claiming priority therefrom; and the Assignors hereby authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as their interest is concerned, to the Assignee; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for which any and all of said Letters Patent for said invention may issue, to the same extent as the Assignors would hold and enjoy if this Assignment had not been made.


The Assignors also have assigned and transferred, and do hereby assign and transfer to the Assignee, its successors and assigns, their entire right, title and interest in and to the invention disclosed in said application, in all countries of the world foreign to the United States, including the right to file applications and obtain patents for said invention in its own name in said countries and including all rights of priority in said countries under the terms of any applicable international convention; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for which any and all of said Letters Patent for said invention may issue, to the same extent as the Assignors would hold and enjoy if this Assignment had not been made.

The Assignors further agree to execute any and all patent applications, assignments, affidavits, and any other papers in connection therewith necessary to perfect such patent rights, and also agree, at the request of the Assignee, to testify in any legal proceedings, sign all lawful papers, make all lawful oaths, and generally do everything possible to aid said Assignee, its successors and assigns, to obtain, maintain and enforce patent protection for said invention in all countries.

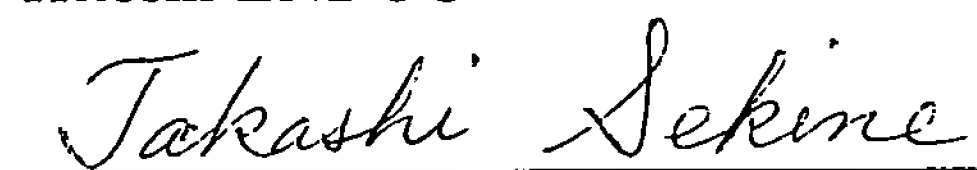
The Assignors also hereby grant the law firm of EDWARDS & ANGELL, LLP, Dike, Bronstein, Roberts & Cushman, IP Group, the power to insert on this Assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, the Assignors have caused this Assignment to be executed.


Dated this 31<sup>th</sup> day of May, 2001.

  
Hitoshi ENDOU

Dated this 31<sup>th</sup> day of May, 2001.

  
Takashi SEKINE

Dated this 31<sup>th</sup> day of May, 2001.

  
Hiroyuki KUSUHARA

## EXHIBIT C



## EDWARDS & ANGELL, LLP

DIKE, BRONSTEIN, ROBERTS & CUSHMAN  
*Intellectual Property Practice Group*  
P.O. Box 9169  
BOSTON, MA 02209

Mailing Date: October 23, 2001

Client: 71526

Inventors: Hitoshi ENDOU, et al.

Serial No.: 09/787,194

Filing Date: March 15, 2001

Attorney/Sec: PFC/jah

Docket No.: 55620

Patent No.:

Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of  
Submission of Sequence Listing Computer Readable Copy: (6) pgs;  
Submission of Diskette (1);  
Copy of Office Letter date mailed 30 April 2001 (1) page;  
Statement that Sequence Listing and hardcopy are the same (2)p.  
Petition for One Month Extension of Time;  
Check for Petition EOT Fee \$110.00;  
Certificate of mailing.

Due Date:

PC/MS-DOS PATENTIN 2.1  
ENDOU, HITOSHI et al.  
Appl. No.: 09/787,194  
Filed: 15-MAR-2001  
Data Rec: 05-SEP-2001  
Atty. Dkt. No:  
55620 (71526)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ENDOU, HITOSHI et al.

Application No.: 09/787,194

Group No.: Not Yet Assigned

Filed: March 15, 2001

Examiner: Not Yet Assigned

For: BRAIN TYPE ORGANIC ANION TRANSPORTER AND  
ITS GENE ENCODED**RECEIVED**

OCT 04 2007

Box Sequence

Assistant Commissioner for Patents

Washington, D.C. 20231

**OFFICE OF PETITIONS**

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,  
AND/OR AMENDMENT PERTAINING THERETO  
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE  
AND/OR AMINO ACID SEQUENCE**

*(check and complete this item, if applicable)*

1. ☒ This replies to the Office Letter DATED 30 April 2001.

*NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.*

☒ A copy of the Office Letter is enclosed.

---

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))**

---

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date

October 23, 2001**FACSIMILE**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Judith A. Herrick*(type or print name of person certifying)*

## IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Peter F. Corless

*(type or print name of person signing below)*

state the following:

### ITEMS BEING SUBMITTED

**RECEIVED**

3. Submitted herewith is/are

OCT 04 2007

*(check each item as applicable)*

**OFFICE OF PETITIONS**

A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.

B. ☐ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. § 1.821(d).

C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.

D. ☐ Please transfer to this application, in accordance with 37 C.F.R. § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Serial No.:

Group No.:

Filed:

Examiner:

For:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form

"Sequence Identifier"

(other application)

(this application)

**NOTE:** *"If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference maybe made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall*

*be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 C.F.R. 1.821(e).*

- E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(g).

☐ Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. § 1.821(b).

- F. ☒ Because this submission is made in fulfilling the requirement under 37 C.F.R. § 1.821(g), a statement that the submission includes no new matter.

☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME  
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

*(complete applicable item A and/or B)*

- A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.
- B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

**STATUS**

5. Applicant is

- ☐ a small entity. A statement:  
☐ is attached.  
☐ was already filed.  
☒ other than a small entity.

**EXTENSION OF TERM**

6.

**NOTE:** *"Extension of Time in Patent Cases (Supplement Amendments) If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period."*

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec.10, 1985 (1061 O.G. 34-35).*

NOTE: See 37 C.F.R. 1.645 for extensions of time in interference proceedings and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.

7. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

*(complete (a) or (b) as applicable)*

(a) ☒ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input checked="" type="checkbox"/>	one month	\$110.00	\$ 55.00
<input type="checkbox"/>	two months	\$390.00	\$ 195.00
<input type="checkbox"/>	three months	\$890.00	\$ 445.00
<input type="checkbox"/>	four months	\$1,390.00	\$ 695.00

Fee \$110.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

**OR**

(b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### **FEE PAYMENT**

8. ☒ Attached is a check in the sum of \$ 110.00.

☐ Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.



A duplicate of this transmittal is attached.

### FEE DEFICIENCY

9.

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

10. [X] If any additional extension and/or fee is required, charge Account No. 04-1105 .

### SIGNATURE(s)

Reg. No. 33,860

Peter F. Corless

(type or print name of person signing statement)



Signature

Oct. 25, 2001

Date

Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group  
EDWARDS & ANGELL, LLP  
P.O. Box 9169

P.O. Address of Signatory

Boston, MA 02209

(If applicable)

Tel. No.: (617) 439-4444

- ☐ Inventor
- ☐ Assignee of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☒ Practitioner of record
- ☐ Filed under Rule 34(a)
- ☐ Registration No.
- ☐ Other

(specify identity of person signing)

(complete the following, if applicable)

\_\_\_\_\_  
(type name of assignee)

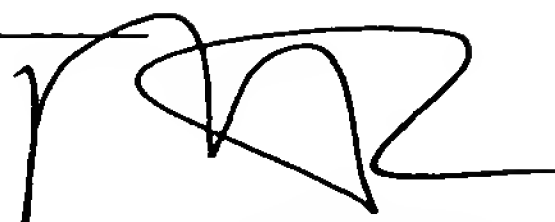
\_\_\_\_\_  
Address of assignee

\_\_\_\_\_  
Title of person authorized to sign on behalf of assignee

A "STATEMENT UNDER 37 C.F.R. 3.73(b)" is attached.

Assignment recorded in PTO on \_\_\_\_\_

Reel \_\_\_\_\_ Frame \_\_\_\_\_



\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

Reg. No. 33,860

\_\_\_\_\_  
PETER F. CORLESS

*(type or print name of practitioner)*

Tel. No.: (617) 439-4444

\_\_\_\_\_  
P.O. Address

Customer No.: 21874

BOS2\_180829.1



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/787194	ENDOU H	55620

INTERNATIONAL APPLICATION NO.
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PCT/JP99/05120

I.A. FILING DATE	PRIORITY DATE
20 SEP 99	18 SEP 98

DATE MAILED: 30 APR 2001

EDWARDS & ANGELL  
DIKE BRONSTEIN ROBERT & CUSHMAN  
130 WATER STREET  
BOSTON, MA 02109**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☒ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☐ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☐ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE  
CALL:

(703) 308-4216, for Rules interpretation,  
(703) 308-4212, for CRF submission help,  
(703) 287-0200, for PatentIn software help.

Pat Booker, Paralegal  
Telephone: 703-305-3738

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: 55620(71526)

In re patent application of

ENDO, HITOSHI et al.

Serial No. 09/787,194

Filed: March 15, 2001

For: BRAIN TYPE ORGANIC ANION TRANSPORTER AND ITS GENE ENCODED

STATEMENT TO SUPPORT FILING AND SUBMISSION IN  
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;

2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and

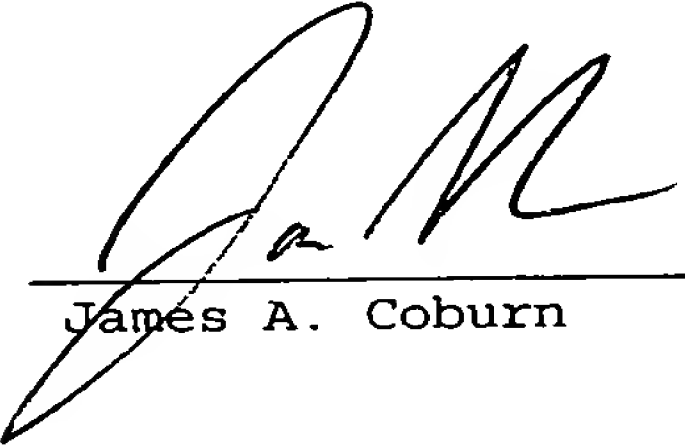
3. all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

Serial No. 09/787,194

States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,

Sept. 5, 2001  
Date

  
James A. Coburn

**HARBOR CONSULTING**  
Intellectual Property Services  
1500A Lafayette Road  
Suite 262  
Portsmouth, N.H.  
800-318-3021

## SEQUENCE LISTING

<110> ENDOU, HITOSHI  
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 KUSUHARA, HIROYUKI

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 <212> PRT  
 <213> Rattus sp.

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Asn	His	Asn	Leu	Leu	Gln	Ile	Phe	Thr	Ala	Thr	Thr	Pro	Val	His	His	35	40	45	
Cys	Arg	Pro	Pro	Pro	Asn	Ala	Ser	Ile	Gly	Pro	Trp	Val	Leu	Pro	Leu	50	55	60	
Asp	Pro	Asn	Gly	Lys	Pro	Glu	Lys	Cys	Leu	Arg	Phe	Val	His	Leu	Pro	65	70	75	80
Asn	Ala	Ser	Leu	Pro	Asn	Asp	Thr	Gln	Arg	Ala	Thr	Glu	Pro	Cys	Leu	85	90	95	
Asp	Gly	Trp	Ile	Tyr	Asn	Ser	Thr	Arg	Asp	Thr	Ile	Val	Ile	Glu	Trp	100	105	110	
Asp	Leu	Val	Cys	Ser	Ser	Asn	Lys	Leu	Lys	Glu	Met	Ala	Gln	Ser	Ile	115	120	125	
Phe	Met	Ala	Gly	Ile	Leu	Val	Gly	Gly	Pro	Val	Ile	Gly	Glu	Leu	Ser	130	135	140	
Asp	Arg	Phe	Gly	Arg	Lys	Pro	Ile	Leu	Thr	Trp	Ser	Tyr	Leu	Met	Leu	145	150	155	160
Ala	Ala	Ser	Gly	Ser	Gly	Ala	Ala	Phe	Ser	Pro	Ser	Leu	Pro	Val	Tyr	165	170	175	
Met	Ile	Phe	Arg	Phe	Leu	Cys	Gly	Cys	Ser	Ile	Ser	Gly	Ile	Ser	Leu	180	185	190	
Ser	Thr	Val	Ile	Leu	Asn	Val	Glu	Trp	Val	Pro	Thr	Ser	Met	Arg	Ala	195	200	205	
Ile	Ser	Ser	Thr	Ser	Ile	Gly	Tyr	Cys	Tyr	Thr	Ile	Gly	Gln	Phe	Ile	210	215	220	
Leu	Ser	Gly	Leu	Ala	Tyr	Ala	Ile	Pro	Gln	Trp	Arg	Trp	Leu	Gln	Leu	225	230	235	240
Thr	Ser	Ser	Ala	Pro	Phe	Phe	Ile	Phe	Ser	Leu	Leu	Ser	Trp	Trp	Val	245	250	255	
Pro	Glu	Ser	Ile	Arg	Trp	Leu	Val	Leu	Ser	Gly	Lys	Tyr	Ser	Lys	Ala	260	265	270	
Leu	Lys	Thr	Leu	Gln	Arg	Val	Ala	Thr	Phe	Asn	Gly	Lys	Lys	Glu	Glu	275	280	285	
Gly	Lys	Lys	Leu	Thr	Ile	Glu	Glu	Leu	Lys	Phe	Asn	Leu	Gln	Lys	Asp	290	295	300	
Ile	Thr	Ser	Ala	Lys	Val	Lys	Tyr	Gly	Leu	Ser	Asp	Leu	Phe	Arg	Val	305	310	315	320

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 Thr Gly Phe Ala Tyr Tyr Ser Leu Ala Met Gly Val Glu Glu Phe Gly  
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 Val Asn Ile Tyr Ile Leu Gln Ile Ile Phe Gly Gly Val Asp Ile Pro  
 355 360 365  
 Ala Lys Phe Ile Thr Ile Leu Ser Leu Ser Tyr Leu Gly Arg Arg Ile  
 370 375 380  
 Thr Gln Ser Phe Leu Leu Leu Leu Ala Gly Gly Ala Ile Leu Ala Leu  
 385 390 395 400  
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 405 410 415  
 Phe Gly Lys Gly Cys Leu Ser Gly Ser Phe Ser Cys Leu Phe Leu Tyr  
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 Thr Ser Glu Leu Tyr Pro Thr Val Leu Arg Gln Thr Gly Met Gly Ile  
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 Ser Asn Val Trp Ala Arg Val Gly Ser Met Ile Ala Pro Leu Val Lys  
 450 455 460  
 Ile Thr Gly Glu Leu Gln Pro Phe Ile Pro Asn Val Ile Phe Gly Thr  
 465 470 475 480  
 Thr Ala Leu Leu Gly Gly Ser Ala Ala Phe Phe Leu Leu Glu Thr Leu  
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 Asn Arg Pro Leu Pro Glu Thr Ile Glu Asp Ile Gln Asn Trp His Lys  
 500 505 510  
 Gln Val Gln Lys Thr Lys Gln Glu Ser Glu Ala Glu Lys Ala Ser Gln  
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Mailing Date: January 16, 2003  
Client: 71526  
Inventors: H. Endou et al.  
Serial No.: 09/787,194  
Filing Date: March 15, 2001  
The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:

~~Attorney/Sec:~~ JBA/mch  
Docket No.: 55620 (71526)  
Patent No.:  
Grant Date:

- [1] Information Disclosure Statement (4 pages);
- [2] PTO Form 1449 (1 page);
- [3] References BA-BB and CA-CI;
- [4] Certificate of Mailing by First Class Mail.



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55620  
(1526)

Mailing Date: Feb. 28, 2003 Attorney/Sec: JBA/nmm  
Client: 71526 ~~Docket~~ No.: 55620 (71526)  
Inventors: Endou, et al. Patent No.: Not Applicable  
Serial No.: 09/787,194 Grant Date: Not Applicable  
Filing Date: March 15, 2001  
The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:

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- \* Form PTO-1449;
- \* Transmittal Letter (1 page);
- \* Copy of European Search Report (9 pages);
- \* 3 Cited References (one copy of each); and
- \* This return postcard.



Due Date: March 22, 2003